



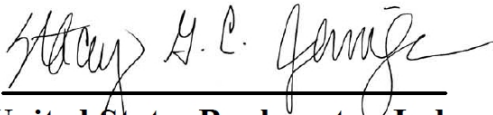
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 16, 2021


United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	
	§	Case No. 19-34054-sgj11
Reorganized Debtor.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adversary Proceeding No.
	§	
vs.	§	
	§	Case No. 21-03010-sgj
	§	
HIGHLAND CAPITAL MANAGEMENT FUND	§	
ADVISORS, L.P., AND NEXPOINT ADVISORS,	§	
L.P.,	§	
Defendants.	§	

ORDER APPROVING STIPULATION
REGARDING SECOND AMENDED SCHEDULING ORDER

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

Upon the Court's consideration of the *Stipulation Regarding Second Amended Scheduling Order* [A.P. Docket No. 45] (the "Stipulation")² entered into by and between Highland Capital Management L.P. ("Highland"), on the one hand, and Highland Capital Management Fund Advisors, L.P. ("HCMFA") and NexPoint Advisors, L.P. ("NexPoint", and together with HCMFA, the "Advisors", and the Advisors together with Highland, the "Parties") on the other hand, it is **HEREBY ORDERED THAT:**

1. The Stipulation, a copy of which is attached hereto as **Exhibit A**, is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. Trial in the Adversary Proceeding (including on the Advisors' Admin Claim) is set for **February 8 and 9, 2022 at 9:30 a.m. (Central Time)**, which, unless the Court holds otherwise, shall be conducted remotely via WebEx.
4. Responses to the Objection ("Responses") shall be filed on or before **December 22, 2021**, unless otherwise agreed in writing by the Parties.
5. Replies to the Responses shall be filed on or before **January 5, 2022**, unless otherwise agreed in writing by the Parties.
6. Depositions shall be scheduled and concluded on or before **January 20, 2022**, unless otherwise agreed in writing by the Parties.
7. Except with respect to impeachment and rebuttal exhibits and witnesses, witness and exhibit lists will be filed on the docket and served on or before **February 1, 2022**, unless otherwise agreed in writing by the Parties. Objections to exhibits, other than for relevance, shall be filed on or before **February 3, 2022**, or they shall be deemed waived.

² Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

8. A joint pretrial order in compliance with the Court's Local Rules shall be filed on or before **February 1, 2022**.

9. Any Party wishing to file a trial brief shall file and serve the same on or before **February 1, 2022**.

10. All deadlines set forth above are effective as of **5:00 p.m. (Central Time)** on each applicable date.

11. Any prior deadline applicable to the potential retention of an expert that, having expired as of the date hereof, shall remain expired and shall not be revived hereby.

12. This Stipulation shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

13. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

End of Order

EXHIBIT A

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Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	
	§	Case No. 19-34054-sgj11
Reorganized Debtor.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adversary Proceeding No.
	§	
vs.	§	
	§	Case No. 21-03010-sgj
HIGHLAND CAPITAL MANAGEMENT FUND	§	
ADVISORS, L.P., AND NEXPOINT ADVISORS,	§	
L.P.,	§	
Defendants.	§	

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

STIPULATION REGARDING SECOND AMENDED SCHEDULING ORDER

This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management L.P. (“Highland”), on the one hand, and Highland Capital Management Fund Advisors, L.P. (“HCMFA”) and NexPoint Advisors, L.P. (“NexPoint”, and together with HCMFA, the “Advisors”, and the Advisors together with Highland, the “Parties”), on the other hand, by and through their respective undersigned counsel, to amend that certain *Order Approving Stipulation (a) Amending Scheduling Order and (b) Consolidating and Resolving Certain Matters* [A.P. Docket No. 37]² (the “Amended Scheduling Order”) filed in the Adversary Proceeding in connection with the “Second Claim for Relief (Breach of Contract)” asserted by Highland against the Advisors in that certain *Complaint for Damages and Declaratory and Injunctive Relief* (the “Breach of Contract Claim”, and together with the matters subject to the Amended Scheduling Order, the “Litigated Matters”).

RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), Highland filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of Highland’s chapter 11 bankruptcy case to this Court [Bankr. Docket No. 186];³

WHEREAS, on February 22, 2021, the Court entered the *Order (i) Confirming the Fifth Amended Plan of Reorganization (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed the *Fifth Amended Plan of Reorganization*

² Refers to docket number maintained in the above-captioned adversary proceeding (the “Adversary Proceeding”).

³ Refers to the docket number maintained in above-captioned chapter 11 bankruptcy case (the “Bankruptcy Case”).

of Highland Capital Management, L.P., as Modified [Bankr. Docket No. 1808] (the “Plan”).

WHEREAS, the Plan went Effective (as defined in the Plan) on August 11, 2021, and Highland is the Reorganized Debtor (as defined in the Plan) since the Effective Date. *See Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700].

WHEREAS, Highland and NexPoint entered into that certain *Amended and Restated Shared Services Agreement* effective as of January 1, 2018 (the “NexPoint SSA”);

WHEREAS, Highland and HCMFA entered into that certain *Second Amended and Restated Shared Services Agreement* effective as of February 8, 2013 (the “HCMFA SSA”, and together with the NexPoint SSA, the “Shared Services Agreements”);

WHEREAS, on January 24, 2021, the Advisors filed their *Application for Allowance of Administrative Claim* [Bankr. Docket No. 1826] (the “Advisors’ Admin Claim”) in the Bankruptcy Case concerning matters related to the Shared Services Agreements;

WHEREAS, on May 5, 2021, Highland filed its *Objection to Application for Administrative Claim of Highland Capital Management Fund Advisors, L.P. and NexPoint Advisors, L.P.* [Bankr. Docket No. 2345] (the “Objection”);

WHEREAS, on May 21, 2021, the Court entered the *Agreed Scheduling Order with Respect to Debtor’s Objection to Application for Administrative Claim of Highland Capital Management Fund Advisors, L.P. and NexPoint Advisors, L.P.* [Bankr. Docket No. 2345] (the “Scheduling Order”).

WHEREAS, on February 17, 2021, Highland commenced the Adversary Proceeding in which it (i) asserted the Breach of Contract claim for damages arising from the Advisors’ alleged breach of the Shared Services Agreements, and (ii) sought declaratory and injunctive relief (the

“Equitable Relief”);

WHEREAS, on February 24, 2021, following an evidentiary hearing, the Court entered an *Order* resolving Highland’s claims for Equitable Relief asserted in the Adversary Proceeding [A.P. Docket No. 25] (the “February Order”);

WHEREAS, on March 22, 2021, the Advisors filed their *Original Answer* in the Adversary Proceeding [A.P. Docket No. 33];

WHEREAS, on August 6, 2021, the Adversary Proceeding and the Advisors’ Admin Claim were consolidated pursuant to the Amended Scheduling Order;

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed second amended scheduling order, as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. Trial in the Adversary Proceeding (including on the Advisors’ Admin Claim) is set for **February 8 and 9, 2022 at 9:30 a.m. (Central Time)**, which, unless the Court holds otherwise, shall be conducted remotely via WebEx.
2. Responses to the Objection (“Responses”) shall be filed on or before **December 22, 2021**, unless otherwise agreed in writing by the Parties.
3. Replies to the Responses shall be filed on or before **January 5, 2022**, unless otherwise agreed in writing by the Parties.
4. Depositions shall be scheduled and concluded on or before **January 20, 2022**, unless otherwise agreed in writing by the Parties.
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otherwise agreed in writing by the Parties. Objections to exhibits, other than for relevance, shall be filed on or before **February 3, 2022**, or they shall be deemed waived.

6. A joint pretrial order in compliance with the Court's Local Rules shall be filed on or before **February 1, 2022**.

7. Any Party wishing to file a trial brief shall file and serve the same on or before **February 1, 2022**.

8. All deadlines set forth above are effective as of **5:00 p.m. (Central Time)** on each applicable date.

9. Any prior deadline applicable to the potential retention of an expert that, having expired as of the date hereof, shall remain expired and shall not be revived hereby.

10. If approved by the Court, this Stipulation shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

11. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

Dated: December 15, 2021.

MUNSCH HARDT KOPF & HARR, P.C.

/s/ Davor Rukavina

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*Counsel for NexPoint Advisors, L.P. and Highland
Capital Management Fund Advisors, L.P.*

- and -

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Counsel for Highland Capital Management, L.P.

United States Bankruptcy Court
Northern District of Texas

Highland Capital Management, L.P.,

Plaintiff

Adv. Proc. No. 21-03010-sgj

Highland Capital Management Fund Advisor,

Defendant

CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

Page 1 of 2

Date Rcvd: Dec 17, 2021

Form ID: pdf001

Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 19, 2021:

Recip ID	Recipient Name and Address
dft	+ Highland Capital Management Fund Advisors, L.P., K&LGates LLP, c/o Stephen G. Topetztes, 1600 K Street, NW, Washington, DC 20006-2806
dft	+ NexPoint Advisors, L.P., K&L Gates LLP, c/o Stephen G. Topetztes, 1600 K Street, NW, Washington, DC 20006-2806

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Dec 17 2021 21:24:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 19, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 17, 2021 at the address(es) listed below:

Name	Email Address
A. Lee Hogewood, III	on behalf of Defendant NexPoint Advisors L.P. lee.hogewood@klgates.com, haley.fields@klgates.com;matthew.houston@klgates.com;mary-beth.pearson@klgates.com;litigation.docketing@klgates.com;Emily.mather@klgates.com;Artoush.varshosaz@klgates.com
A. Lee Hogewood, III	

District/off: 0539-3

User: admin

Page 2 of 2

Date Rcvd: Dec 17, 2021

Form ID: pdf001

Total Noticed: 3

on behalf of Defendant Highland Capital Management Fund Advisors L.P. lee.hogewood@klgates.com, haley.fields@klgates.com;matthew.houston@klgates.com;mary-beth.pearson@klgates.com;litigation.docketing@klgates.com;Emily.mather@klgates.com;Artoush.varshosaz@klgates.com

Davor Rukavina

on behalf of Defendant NexPoint Advisors L.P. drukavina@munsch.com

Davor Rukavina

on behalf of Defendant Highland Capital Management Fund Advisors L.P. drukavina@munsch.com

Julian Preston Vasek

on behalf of Defendant NexPoint Advisors L.P. jvasek@munsch.com

Julian Preston Vasek

on behalf of Defendant Highland Capital Management Fund Advisors L.P. jvasek@munsch.com

Juliana Hoffman

on behalf of Interested Party Committee of Unsecured Creditors jhoffman@sidley.com
txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com

Matthew A. Clemente

on behalf of Interested Party Committee of Unsecured Creditors mclemente@sidley.com
matthew-clemente-8764@ecf.pacerpro.com;efilingnotice@sidley.com;ebromagen@sidley.com;alyssa.russell@sidley.com;dtwomey@sidley.com

Paige Holden Montgomery

on behalf of Interested Party Committee of Unsecured Creditors pmontgomery@sidley.com
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Zachery Z. Annable

on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 10